

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LERROY LYONS,

Petitioner,

Case Number: 2:10-CV-11386

v.

HONORABLE VICTORIA A. ROBERTS

BLAINE LAFLER,

Respondent.

**ORDER DENYING PETITIONER'S
MOTION TO RECONSIDER RULE 60(d) MOTION**

Petitioner Leroy Lyons is a Michigan prisoner serving two life sentences. In 1999, Lyons was convicted of two counts of first-degree murder. In 2010, Lyons filed a habeas corpus petition. This Court denied the petition. (Dkt. # 24). The Sixth Circuit Court of Appeals also denied a certificate of appealability. (Dkt. # 45). Lyons then filed a “Rule 60 Motion subsection (d) Fraud on this Court” (Dkt. #48), which the Court denied. Lyons has now filed a “Motion to Reconsider Rule 60(d) Motion” (Dkt. # 50).

Motions for rehearing or reconsideration may be granted when the moving party shows (1) a “palpable defect,” (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A “palpable defect” is a “defect which is obvious, clear, unmistakable, manifest or plain.” *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004).

Petitioner's motion expresses disagreement with the Court's denial of his Rule 60(d) motion, but fails to offer any grounds for a finding that the Court's decision was the result of a palpable defect. A motion that simply reasserts arguments already denied by the Court fails to allege sufficient grounds upon which to grant reconsideration. L.R. 7.1(h)(3); *see also Graham ex rel. Estate of Graham v. County of Washtenaw*, 358 F.3d 377, 385 (6th Cir. 2004) (affirming district court's denial of motion for reconsideration where motion "merely raised arguments that were already ruled upon").

The Court DENIES Petitioner's "Motion to Reconsider Rule 60(d) Motion" (Dkt. # 50).

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: April 16, 2015

The undersigned certifies that a copy of this document was served on the attorneys of record and Leroy Lyons by electronic means or U.S. Mail on April 16, 2015.

S/Carol A. Pinegar
Deputy Clerk